

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

DOCKETED COMPLAINT NO. 08-035

LUCILLE ANN MURRAY
TX-1329739-L§
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§
§AGREED FINAL ORDER

On this the 21st day of August, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Lucille Ann Murray (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Lucille Ann Murray neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Lucille Ann Murray is a Texas state licensed real estate appraiser, holds license number TX-1329739-L, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about the Spring and Summer of 2006, the Respondent appraised real property located at 1023 Lewis Street, Waco, Texas (the Lewis property); 5819 Caldwell Street, Waco, Texas (the Caldwell property); 289 Linda Lane, Waco, Texas (the Linda property); 1206 E. Texas Avenue, Waco, Texas (the Texas property); and, 3829 N. 21st Street, Waco, Texas (the 21st Street property) (collectively, "the properties").
3. On or about October 24, 2007, a staff-initiated complaint forwarded by the United States Department of Housing and Urban Development ("HUD") was filed with the Board based on allegations that the Respondent had produced an appraisal report that contained potential violations of USPAP.
4. On or about October 25, 2007, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.

5. Respondent violated TEX. OCC. CODE § 1103.405, and 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of Respondent's appraisal reports for the properties:

- a. Respondent failed to comply with the record keeping provisions of the Ethics Rule for all of the properties;
- b. Respondent failed to comply with the Supplemental Standards Rule for all of the properties;
- c. Respondent failed to identify and report the site description for the Caldwell, Texas and Linda properties adequately;
- d. Respondent failed to identify and analyze the effect on use and value of economic supply and demand and market area trends for all of the properties;
- e. Respondent failed to provide a brief summary of the basis for her determination of highest and best use for all of the properties;
- f. Respondent failed to provide support for her analysis and conclusions concerning site value for all of the properties, and failed to employ appropriate methods or techniques to develop a site value determination, failed to verify, analyze and reconcile the cost new of improvements and accrued depreciations, and generally failed to employ recognized methods and techniques in her cost approach analysis for all of the properties;
- g. Respondent failed to collect, verify, analyze and reconcile comparable sales data for each of the properties and failed to employ recognized methods and techniques correctly in her sales comparison approach, including failing to disclose and analyze sales concessions;
- h. Respondent failed to analyze the current listing in effect at the time of her appraisal report for all of the properties and failed to analyze the agreement of sale for all of the properties; and,
- i. Respondent's reports contain substantial errors of commission or omission as detailed above which resulted in a misleading appraisal reports for the properties, which were not credible.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Supplemental Standards Rule; USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(ix); 1-3(a) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-(b)(ix); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §§153.20(a)(9) by making material misrepresentations and omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Have her license suspended for twelve months with that suspension being fully probated under the under the following conditions:
 - i. During the entire twelve month probation period Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities she has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of her appraisal reports and work files for any appraisal assignments she performs during the course of her period of probation within twenty days of notice of any such request;
 - ii. Respondent shall timely complete all of the remedial coursework required in this Order;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Attend and complete a minimum, 15 classroom-hour course in the Cost Approach;
- d. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing; and,
- e. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in

each class. None of these required classes will count toward Respondent's continuing education requirements for licensure.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518, including but not limited to, revocation of the above-noted probation.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

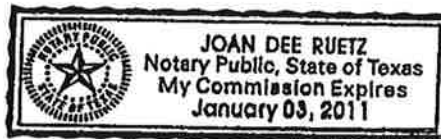
Signed this 17th day of Aug, 2009.

Lucille Ann Murray
LUCILLE ANN MURRAY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 17th day of August, 2009, by LUCILLE ANN MURRAY, to certify which, witness my hand and official seal.

Joan Dee Ruetz
Notary Public Signature

Joan Dee Ruetz
Notary Public's Printed Name



Signed by the Commissioner this 21st day of August, 2009.

Loretta DeHay
Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of August, 2009.

Clinton P. Sayers
Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board